IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 6620 of 2007(K)

PETITIONER:

K.NATARAJAN, S/O.KOCHUPILLAI,
AGED 46, PEEDIKACHIRAYIL, RAMAN CHERRY,
ARATTUPUZHA PO., ALAPPUZHA DIST.

BY ADV. SRI.K.R.SUNIL

RESPONDENTS:

1.THE SECRETARY, LOCAL SELF GOVERNMENT
INSTITUTIONS, THIRUVANANTHAPURAM.

2.THE DEPUTY DIRECTOR OF PANCHAYATH,
ALAPPUZHA.

3.THE SECRETARY,
ARATTUPUZHA GRAMA PANCHAYATH,
ARATTUPUZHA THEKKU P.O., PIN-690 565,
ALLEPPEY DIST.

R1-R2 BY GOVT. PLEADER SMT.T.B.RAMANI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No. 6620 of 2007

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Dated: 27th February, 2007

JUDGMENT

In the nature of the order which is being passed hereunder I am of the view that it is not necessary to issue notice to the third respondent. The petitioner submits that the was the successful bidder on both the previous occasions when the Panchayat invited tenders. Under Ext.P4 the Panchayat intimated the petitioner of the Panchayat's proposal to award the work to another contractor who had come forward to execute the work at a rate lower than the rate quoted by the petitioner. Under Ext.P4 the petitioner was directed to file his objections to the proposal. The petitioner submitted Ext.P5 objections. In Ext.P4 itself the petitioner has been informed that the petitioner is free to submit revised tender and that he will be informed about the date of opening of the tenders to be conducted by the Panchayat. The petitioner submits that in spite of promises made through Ext.P4 and the serious objections raised through Ext.P5, the Panchayat is now going about finalising the re-tender proceedings. I do not propose to go into the merits of the matter. I dispose of the Writ Petition directing the third respondent not to award the work to the new contractor who is referred to in Ext.P4, before taking a decision on Ext.P4 in the light of Ext.P5 objection submitted by the

petitioner. In any event, the Panchayat will award the work to the new contractor mentioned in Ext.P4 or anybody else only after hearing the petitioner and informing the petitioner of the Panchayat's decision.

srd **PIUS C.KURIAKOSE, JUDGE**